

DEC-12-2006(TUE) 11:26

EDWARD DUTKIEWICZ

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P.001/012

DEC 12 2006

ATTORNEY DOCKET:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: WILLIAM MICHAEL RUDNICK  
SERIAL NUMBER: 10/063,756  
FILED: 05/10/2002  
FOR: METHODS AND SYSTEMS FOR QUALITY OF SERVICE IN  
NETWORKS COMPRISING WIRELESS DEVICES  
ART UNIT: 2616  
EXAMINER: HOM, SHIK C.

LETTER RETURNING MISDIRECTED OFFICE ACTION

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile to 571 273-8300  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12-12-06  
Date

by:

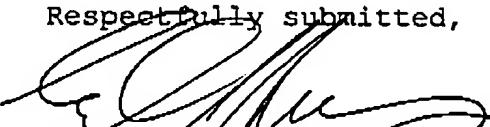
  
Jeanne M. Carrell

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

The attached Office Action was misdirected to Susan M. Bycroft, a client of the undersigned attorney. It is unclear why Ms. Bycroft received this Office Action. Neither Ms. Bycroft nor her undersigned attorney have any connection to or interest in this pending patent application. Correction of the correspondence address is requested.

Respectfully submitted,

  
Edward P. Dutkiewicz,  
Reg. 46,676  
640 Douglas Avenue  
Dunedin, FL 34698  
(727) 734-2855 Telephone  
(727) 734-2750 Facsimile

cc: David Ripma



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,756	05/10/2002	William Michael Rudnick	SLA0364.1	1571
55894	7590	12/08/2006	EXAMINER	
SUSAN M. BYCROFT			HOM, SHICK C	
2124 BELL CHEER DRIVE				
CLEARWATER, FL 33764			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/063,756	RUDNICK ET AL.	
	Examiner	Art Unit	
	Shlick C. Hom	2616	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any extended patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 20 September 2006.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 17 and 24 is/are allowed.
- 6)  Claim(s) 18-21, 23 is/are rejected.
- 7)  Claim(s) 22 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a)  All    b)  Some \* c)  None of:  
 1.  Certified copies of the priority documents have been received.  
 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

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**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims 17-24 have been considered but are moot in view of the new ground(s) of rejection.

***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (7,068,633) in view of Perreault et al. (5,596,577).

Regarding claims 18-20 and 23:

Ho disclose a method of providing Quality of Service (QoS) prioritization for at least one wireless network station in a network, said method comprising: providing a coordination function, being a Point Coordination Function PCF, that controls access to a network comprising wireless network stations, said controlled access occurring during a contention-free period (see

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the abstract which recite the method for providing QoS access in a wireless network using the point coordinator station for control whereby contention control frame is sent during a contention-free period); providing a polling list comprising identifiers for a first group of said wireless network stations in said network; polling a second group of said wireless network stations with identifiers including priority to determine whether said wireless network stations have information to communicate; and granting network communication access, through said coordination function, to said wireless network stations within said second group that have information to communicate (see col. 19 lines 10-52 which recite the use of simple polling and point coordination function PCF whereby in case of inadequate bandwidth, the higher priority traffic, i.e. QoS-driven traffic, which reads on the second group of stations, are given access).

Ho discloses all the subject matter of the claimed invention with the exception of providing a priority polling list comprising identifiers for the second group of said wireless network stations in said network, said second group consisting of stations for which communication priority is desired as in claims 18, 23.

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Perreault et al. from the same or similar fields of endeavor teach that it is known to provide a priority polling list comprising identifiers for the second group of said wireless network stations in said network, said second group consisting of stations for which communication priority is desired (see col. 4 lines 37-51 which recite the priority poll list database).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide a priority polling list comprising identifiers for the second group of said wireless network stations in said network, said second group consisting of stations for which communication priority is desired as taught by Perreault et al. in the communications method of Ho. The priority polling list comprising identifiers for the second group of said wireless network stations in said network, said second group consisting of stations for which communication priority is desired can be implemented by connecting the priority polling list of Perreault et al. to the network of Ho. The motivation for using the priority polling list as taught by Perreault et al. in the communication method of Ho being that it provides more efficiency for the system since the system can more quickly

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adapt to changing data traffic patterns on the shared medium by merely updating the priority list.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (7,068,633) and Perreault et al. (5,596,577) in view of Myles et al. (6,879,579).

For claim 21, Ho and Perreault et al. disclose the method described in paragraph 4 of this office action. Ho and Perreault et al. disclose all the subject matter of the claimed invention with the exception of wherein stations on said polling list but normally excluded from said priority polling list are intermittently rotated into said priority polling list to prevent starvation.

Myles et al. from the same or similar fields of endeavor teach that it is known to provide stations on said polling list but normally excluded from said priority polling list are intermittently rotated into said priority polling list (see col. 4 lines 8-18 which recite the polling list whereby at the start of a contention free period the first poll from the polling list is being given a priority poll).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to

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provide wherein stations on said polling list but normally excluded from said priority polling list are intermittently rotated into said priority polling list to prevent starvation as taught by Myles et al. in the communications method of Ho and Perreault et al. The stations on said polling list but normally excluded from said priority polling list being intermittently rotated into said priority polling list to prevent starvation can be implemented by providing the rotation of the stations on the polling list into said priority polling list at the start of the contention free period of Myles et al. into the method of polling of Ho and Perreault et al. The motivation for providing station rotation into said priority polling list as taught by Myles et al. in the communication method of Ho and Perreault et al. being that it provides more efficiency for the system since the system is provided with a simple technique for starting the contention free period.

**Allowable Subject Matter**

6. Claims 17 and 24 are allowed.

7. Claim 22 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

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**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Rom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SH SH

Seema S. Rao  
SEEMA S. RAO 12/12/06  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination RUDNICK ET AL.	
		Examiner Shlick C. Hom	Art Unit 2616	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-7,058,633 B1	06-2006	Ho, Jin-Meng	370/338
	B	US-5,596,577 A	01-1997	Perreault et al.	370/449
	C	US-6,879,579 B1	04-2005	Mylos et al.	370/348
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.